

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-2
Hawaii Administrative Rules
(Date of adoption)

SUMMARY

1. Title is amended.
2. §§19-2-1 to 19-2-5 are amended.
3. §19-2-6 is repealed.
4. A new §19-2-6.1 is added.
5. §19-2-7 is repealed.
6. Chapter 2 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 1

ADMINISTRATION

CHAPTER 2

PARTICIPATION IN THE DISADVANTAGED BUSINESS
ENTERPRISE PROGRAM

§19-2-1	Purpose
§19-2-2	Authorization
§19-2-3	Substance of rules
§19-2-4	Adoption
§19-2-5	Applicability
§19-2-6	Repealed
§19-2-6.1	Emergency rulemaking
§19-2-7	Repealed

§19-2-1 Purpose. The purpose of this chapter is to implement the Disadvantaged Business Enterprise ("DBE") Program as required by Title 49, Code of Federal Regulations, Parts 23 and 26, entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs." [Eff 8/4/80; am and comp
] (Auth: HRS §§261-12, 264-23, 264-24, 266-2)
(Imp: HRS §§261-12, 264-23, 264-24, 266-2)

§19-2-2 Authorization. The state director of transportation is required to implement a disadvantaged business enterprise program in order to receive federal financial assistance. Sections 261-12, 264-23, 264-24, 266-2, Hawaii Revised Statutes, authorize the state director of transportation to promulgate rules and regulations for the purposes of complying with federal rules and program requirements. The state director of

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transportation shall also adopt a program plan that reflects the federal rule requirements referenced in Section 19-2-4. [Eff 8/4/80; am and comp
] (Auth: HRS §§ 261-12, 264-23, 264-24, 266-2) (Imp: HRS §§261-12, 264-23, 264-24, 266-2)

§19-2-3 Substance of rules. Title 49, Code of Federal Regulations, Parts 23 and 26, requires that states participating in the federal transportation program establish a disadvantaged business enterprise program in which firms owned and controlled by minorities and women may participate in federally assisted transportation projects. The State's failure to comply with the federal department of transportation disadvantaged business enterprise rules may result in the termination of the State's financial agreement with the federal Department of Transportation and may affect the State's ability to obtain future federal Department of Transportation grants. [Eff 8/4/80; am and comp
] (Auth: HRS §§ 261-12, 264-23, 264-24, 266-2) (Imp: HRS §§261-12, 264-23, 264-24, 266-2)

§19-2-4 Adoption. The provisions of Title 49, Part 23 Code of Federal Regulations, Participation by Disadvantaged Business Enterprises in the Department of Transportation Programs in Airport Concessions, and Part 26 Disadvantaged Business Enterprises in the Department of Transportation Financial Assistance Programs, are adopted and incorporated by reference as part of the state department of transportation's rules and regulations. [Eff 8/4/80; am and comp
] (Auth: HRS §§261-12, 264-23, 264-24, 266-2) (Imp: HRS §§261-12, 264-23, 264-24, 266-2)

§19-2-5 Applicability. This chapter shall only apply to federal programs that are administered by the state department of transportation by which funds are made available to members of the public

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for the accomplishment of the purposes of the
department. [Eff 8/4/80; am and comp]
(Auth: HRS §§261-12, 264-23, 264-24, 266-2) (Imp:
HRS §§261-12, 264-23, 264-24, 266-2)

§19-2-6 REPEALED. [R]

§19-2-6.1 Emergency rulemaking. The department
of transportation may adopt emergency rules pursuant
to the requirements of section 91-3(b), HRS. [Eff
and comp] (Auth: HRS §91-2) (Imp:
HRS §91-3)

§19-2-7 REPEALED. [R]

Amendments to and compilation of Title 19,
Subtitle 1, Chapter 2, Hawaii Administrative Rules,
on the Summary Page dated _____ were
adopted on _____ following public hearings
that were held on November 5, 1999, November 8, 1999
and _____ November 9, 1999, and November 10, 1999
after public notice was given in the Hawaii Tribune
Herald, Garden Island, Newspater, MideWeek, Honoltul
Star Bullentin and Maui news on October 4, 1999.

They shall take effect ten days after the filing
with the Office of the Lieutenant Governor.

KAZU HAYASHIDA
Director of Department of
Transportation

BENJAMIN J. CAYETANO
Governor
State of Hawaii

Dated: _____

Filed

APPROVED AS TO FORM:

Deputy Attorney General